

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 7564; Amdt. No. 11-5]

PART 11—GENERAL RULE-MAKING PROCEDURES

Updating and Clarification

This amendment adds FAA Area Offices to the list of offices that may receive and handle emergency exemptions under § 11.15. In addition, it clarifies Part 11 by expressly stating the rule-making powers of the Associate Administrators and the applicability of § 11.25 to petitions for exemption from any FAA rules. Minor editorial changes are made to update certain references in Part 11.

Since § 11.15 was added to Part 11 in 1964, the Regions have been subdivided into Areas headed by Area Managers (Amendment 2 to the FAA Organization Statement, 31 F.R. 838) whose purpose is to manage the operating programs of the Agency. Area Offices are therefore added to the list of offices in § 11.15 where exemption petitions may be filed and handled. In addition, the reference in § 11.15 to "Flight Standards International Field Office" is updated to read "International Field Office, or FAA Representative in the Europe, Africa, and Middle East Region, or in the Pacific Region."

Section 11.25 contains procedural rules that govern the filing of petitions for an "exemption from any rule issued under Title III or VI of the Federal Aviation Act of 1958." This provision is being amended to make it clear that it applies to exemptions from any Agency rules issued under the Federal Aviation Act of 1958 or other statute administered by the FAA. This amendment conforms the rule to actual Agency practice.

Under the principle (FAA Organization Statement, Part IV—Delegations, section 1(b)(1)) that a delegation of authority to an FAA officer is also made to any officer exercising executive direction over the delegatee with respect to the subject-matter of the delegation (unless the delegation provides expressly to the contrary), each Associate Administrator has the rule-making authority delegated in this part to the Service Directors under his executive direction. A majority of the Services that have substantive responsibility for FAA rules (Airports Service; Air Traffic Service; Flight Standards Service; and Systems Maintenance Service) are under the executive direction of

the Associate Administrator for Programs. To make this part more nearly self-contained in this respect, §§ 11.41(a) and 11.61(c) are being amended to state expressly the authority of the Associate Administrators. Since the Air Traffic Service is the only Service concerned under Subpart D, the added reference in § 11.65(c) is only to the Associate Administrator for Programs.

The Agency has always considered late filed comments in rulemaking proceedings if it was possible to do so without delaying the project or incurring expense, but this policy is not currently stated in the regulation. Section 11.47 (a) is therefore amended to state it.

Since these amendments are procedural in nature, do not constitute substantive rule making, and do not impose a burden on any person, notice and public procedure thereon are not required and the amendment may be made effective less than 30 days after publication.

In consideration of the foregoing, Part 11 of the Federal Aviation Regulations (14 CFR Part 11) is amended, effective August 20, 1966, as follows:

1. By amending the first sentence of § 11.15 by inserting the words "Area Office" after the words "Regional Office"; and by striking out the words "or Flight Standards International Field Office" and inserting in place thereof the words "International Field Office, or FAA Representative in the Europe, Africa, and Middle East Region, or in the Pacific Region".

2. By amending § 11.25(a) by striking out the words "under Title III or VI of the Federal Aviation Act of 1958" and inserting in place thereof the words "by the Federal Aviation Agency under statutory authority".

3. By adding the following new sentence at the end of § 11.41(a):

§ 11.41 Scope.

(a) * * * Any authority conferred by this subpart on the head of any Office or Service is also conferred on the Associate Administrator (if any) who exercises executive direction over that official.

4. By adding the following new sentence at the end of § 11.47(a):

§ 11.47 Proceedings of the notice of proposed rule making.

(a) * * * All timely comments are considered before final action on the rule-making proposal is taken. Late filed comments are considered so far as possible without incurring expense or delay.

5. By amending the first sentence of § 11.61(c) to read as follows:

§ 11.61 Scope.

(c) For the purposes of this subpart, "Director" means the Associate Administrator for Programs, the Director, Air Traffic Service (or any person to whom he has delegated his authority in the

matter concerned), or a Regional Director. * * *

(Secs. 302(f), 303(d), 313(a), 1001, Federal Aviation Act of 1958; 49 U.S.C. 1343(d), 1344(d), 1354(a), 1481)

Issued in Washington, D.C., on August 15, 1966.

WILLIAM F. MCKEE,
Administrator.

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